

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	Case No. 1:04-cr-49
vs.	)	
	)	
	)	COLLIER / LEE
BRIAN PATRICK ALLEN	)	

REPORT AND RECOMMENDATION

Upon Defendant's motion, the Court ordered a mental evaluation of Defendant [Doc. 35]. After completion of the mental evaluation, a forensic report regarding the evaluation was received by the Court. The findings set forth in the forensic report are that Defendant is not currently suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings filed against him or properly assist in his defense, and that he is competent to stand trial. Defendant has filed a waiver of any competency hearing [Doc. 39]. Given the waiver and the findings contained in the forensic report, I **RECOMMEND** that Defendant be found competent to understand the nature and consequences of the proceedings against him, able to assist in his defense, and competent to stand trial.<sup>1</sup>

SO ORDERED:

ENTER.

*s/ Susan K. Lee*  
SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>A party may serve and file objections to this report and recommendation within fourteen (14) days after being served with a copy of this report and recommendation. Failure to object in accordance with Fed. R. Crim. P. 59 waives a party's right to review.